



TOWN OF GRAFTON

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PLANNING BOARD

PLANNING BOARD REPORT FOR ANNUAL TOWN MEETING OCTOBER 16, 2023 ZONING WARRANT ARTICLES

The following information pertains to the Planning Board's report on Fall Annual Town Meeting Articles 46, 47, 48, 49, 50, 51, and 52. For any questions or information, contact the Planning Department at (508) 839-5335 ext. 1400.

PLANNING BOARD REPORT FOR ARTICLE 46:

Amendments to the Grafton Zoning Bylaws (Section 3.1.2 – Zoning Map) – to amend the map entitled “Town of Grafton – Zoning Map” to create the “MBTA Communities Overlay District.”

The public hearing was opened on September 25, 2023, and was continued to October 2, 2023. At its meeting on October 2, 2023, the Grafton Planning Board conducted a public hearing to consider the proposed amendments to the Grafton Zoning Bylaws (ZBL) and Town of Grafton Zoning Map to create the MBTA Communities Overlay District. The new District will include the five (5) areas as identified and shown on the map titled “MCMOD 1,” “MCMOD 2,” “MCMOD 3,” “MCMOD 4,” and “MCMOD 5.” The modification ensures the Town of Grafton is in compliance with Section 3A of MGL c. 40A and provides the mandatory accompanying changes to the ZBL text updates, which are addressed in Article 47.

Board members present were Chairman Robert Hassinger, Vice Chairman David Robbins, Clerk Justin Wood, and Members Prabhu Venkataraman and James Davidson. No public comment on the article was received.

The Article was recommended by the Town Planner and the Planning Board to comply with the new Section 3A law within the designated timeframe, as mandated by the State's Executive Office of Housing and Livable Communities (EOHLC), as well as provide clarity to those interpreting the Zoning Map.

Based on the Board's deliberations on the merits of the proposed amendment, the Planning Board voted five (5) in favor and zero (0) opposed, on October 2, 2023, **TO RECOMMEND** Article 46.

**PLANNING BOARD REPORT FOR ARTICLE 47:
Additions to the Grafton Zoning Bylaws (Section 14 – MBTA Communities Overlay District) – to create a new Section 14 of the Zoning Bylaws entitled “MBTA Communities Overlay District.”**

The public hearing was opened on September 25, 2023, and was continued to October 2, 2023. At its meeting on October 2, 2023, the Grafton Planning Board conducted a public hearing to consider the proposed additions to the Grafton Zoning Bylaws (ZBL) to add a new Section 14 entitled “MBTA Communities Overlay District.” The new section of the ZBL is required by the EOHLIC to comply with Section 3A of MGL c. 40A. The proposed additions will require no changes to the underlying zoning within four (4) Sub-Districts and will serve as an overlay zone with changes to the rental affordability threshold in one Sub-District – MCMOD 2. The EOHLIC will not approve affordability thresholds over twenty percent (20%) in compliance areas, requiring the reduction in the minimum percent of deed-restricted affordable housing required for rental projects in MCMOD 2 from twenty-five percent (25%) to twenty percent (20%).

Board members present were Chairman Robert Hassinger, Vice Chairman David Robbins, Clerk Justin Wood, and Members Prabhu Venkataraman and James Davidson. No public comment on the article was received.

The Article was recommended by the Town Planner and the Planning Board to comply with the new Section 3A law within the designated timeframe, as mandated by the state’s Executive Office of Housing and Livable Communities (EOHLIC). The Article was predicated upon the need for the ZBL to reflect changes to multifamily density requirements, as approved by Town Meeting, before submission for District Compliance Approval.

The Town Planner and the Board reviewed the proposed article, and the following amendments to the warrant are recommended:

1. Amend the name of the Section from “MBTA Communities Multi-Family Overlay District” to “MBTA Communities Overlay District.”
2. Replace “This requirement applies to all residential and mixed-use developments with ten (10) [eight (8) if we’re going with 20% affordable] or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion (Applicable Projects),” with “This requirement applies to all residential and mixed-use developments with eight (8) or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion (Applicable Projects),” in *Section 14.6.1. Applicability*.

Based on the Board’s deliberations on the merits of the proposed amendment, the Planning Board voted five (5) in favor and zero (0) opposed, on October 2, 2023, **TO RECOMMEND** Article 47, as amended above.

PLANNING BOARD REPORT FOR ARTICLE 48:

Amendments to the Grafton Zoning Bylaws (Section 13 – North Grafton Transit Village Overlay District (NGTVOD)) - to create a Sub-District B with all associated requirements.

The public hearing was opened on September 25, 2023, and was continued to October 2, 2023, then October 12, 2023. At its meeting on October 2, and October 12, 2023, the Grafton Planning Board conducted a public hearing to consider the proposed amendments to the Grafton Zoning Bylaws (ZBL) to create a Sub-District B under Section 13, with associated modifications to *Sections 13.1 – Purpose* through *Section 13.17 – Severability*, as well as changes recommended by the EOHLC. The purpose of this article is to allow for multifamily use with a minimum density of twenty (20) dwelling units per developable acre and maximum density of twenty-six (26) dwelling units per developable acre; a leasing office; a residents-only health club; and customary accessory uses to the principal multifamily use in the existing NGTVOD zone (Chapter 40R Smart Growth Zoning Overlay District).

Board members present were Chairman Robert Hassinger, Vice Chairman David Robbins, Clerk Justin Wood, and Members Prabhu Venkataraman and James Davidson.

The Board received public comment regarding the Executive Office of Housing and Livable Communities (EOHLC) tentative approval and suggestions for the proposed warrant article language. Mr. Bobrowski of Blatman, Bobrowski, Haverty & Silverstein, LLC., presented a document listing the proposed floor amendments he believes must be made to comply with EOHLC's recommendations. Mr. Robbins responded stating that, because the warrant language is currently incomplete and ambiguous, the Board must produce a detailed Planning Board Report with all associated changes that are more clearly represented. Mr. Robbins discussed the possibility of then using the Planning Board Report to make the final motion at Town Meeting. Mr. Bobrowski questioned if the Planning Board Report will be a handout provided to attendees as they enter Town Meeting. Mr. Robbins confirmed that would be the case, and that the Report will be posted on the Town website. Mr. Hassinger and Mr. Wood expressed concern over presenting the full Planning Board Report with all associated changes as the handout at Town Meeting. Mr. Bobrowski then proposed working with Mr. Robbins to create a single sheet of paper to hand out to the voters succinctly summarizing the proposed amendments. Mr. Robbins agreed to work on a sheet that summarizes the floor amendments to the warrant article as printed. This will include notated amendments to what is in the warrant, and a clean copy. Further logistics for the handout and posting the language on the screen were finalized.

The Article was recommended by the Town Planner and the Planning Board to utilize the Sub-District to comply with Section 3A of MGL c. 40A, facilitate the production of affordable housing, and catalyze development on a challenging site that has long sat vacant. The Article was predicated upon the need for the ZBL to reflect changes to multifamily density requirements, as approved by Town Meeting, before submission for District Compliance Approval.

The Town Planner and the Board reviewed the proposed article, and the following amendments to the warrant are recommended:

1. Amend by replacing “administering agency,” with “monitoring agency.”

2. Amend by replacing “DHCD,” with “EOHLC.”
3. Amend the proposed Section 13.3.A.2 with the following: “2. Sub-district B –Sub-district B contains land area of approximately 10.73 acres being Assessor’s Map 5, Lot 1H and a portion of Map 5, Lot 1I, that is superimposed over the underlying zoning district, as shown on the Zoning Map as set forth on the map entitled “Sub-District B of the North Grafton Transit Village Overlay District,” dated June 5, 2023. This map is hereby made a part of the Zoning By-law, and shown on the map entitled “Town of Grafton – Zoning Map,” and is on file in the Office of the Town Clerk.”
4. Amend the proposed Section 13.5.B with the following: “**13.5.B Number of Affordable Housing Units.** For all Projects where the Affordable Units proposed are Homeownership Units, not less than twenty percent (20%) of the total housing units constructed in a Project shall be Affordable Housing. In Sub-District A, for all Projects where the Affordable Units proposed are Rental Units not less than twenty five percent (25%) of total housing units in any building containing rental units shall be Affordable Housing; provided, however, that not less than 20% of such units may be affordable where restricted to households earning less than 50% of area median income. In Sub-District B, for all Projects where the Affordable Units proposed are Rental Units and not otherwise subject to Section 13.5.C.4, not less than twenty percent (20%) of total housing units in any building containing rental units shall be Affordable Housing. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit shall be deemed to constitute a whole unit.”
5. Amend the proposed Section 13.5.C.4 with the following: “Nothing in this Section shall permit the imposition of restrictions on age upon a Project unless proposed or agreed to voluntarily by the Applicant. However, the PAA may, in its review of a submission under Section 13.7, allow a specific Project within the NGTVOD to be exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable Housing units.”
6. Amend the proposed Section 13.5.F.3 with the following: “the housing marketing and resident selection plan conforms to all requirements, has been approved by EOHLC and is properly administered;”
7. Amend the proposed Section 13.5.H with the following: “**13.5.H Phasing.** For any Project that is approved and developed in phases, the percentage of Affordable Housing units in each phase shall be at least equal to the minimum percentage of Affordable Housing required under Section 13.5.B and 13.5.C.4, as applicable. Where the percentage of Affordable Housing is not uniform across all phases, the unit dispersal and bedroom proportionality requirements under Section 13.5 shall be applied proportionate to the Affordable Housing provided for in each respective phase.”
8. Amend by inserting the following to Section 13.5.J (after the proposed amendment to Section 13.5.I): “**13.5.J No Waiver.** Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 13.5 shall not be waived unless expressly approved in writing by EOHLC under the 40R Smart Growth Zoning Program pursuant to the Governing Laws, to eliminate conflict with an associated state or federal housing financing program and/or at the request of the Plan Approval Authority.”

9. Amend Section 13.8.A from “An Applicant for Plan Approval shall file the application and all required submittals with the Town Clerk and shall also file forthwith 20 copies of the application and the other required submittals with the PAA including notice of the date of filing with the Town Clerk,” to “An Applicant for Plan Approval shall file the application and all required submittals with the Town Clerk and shall also file with the PAA, the appropriate number of copies and supplemental documents as specified on a form provided by the Planning Board.” to align the text (in which no changes are proposed) with the current ZBL.
10. Amend Section 13.8.B to change “Board of Selectmen,” to “Select Board,” to align the text (in which no changes are proposed) with the current ZBL.
11. Amend Section 13.10.A to re-add “Minimum Lot Line Setback for proposed structures: 15 feet.”
12. Due to ambiguous formatting and the omission of certain ZBL sections from the warrant article, amend non-substantive changes to the numbering, lettering, and pagination of Section 13 of the Zoning Bylaws, as referenced in “Draft Planning Board Report,” of the October 2, 2023, Planning Board Meeting Materials.

Based on the Board’s deliberations on the merits of the proposed amendment, the Planning Board voted five (5) in favor and zero (0) opposed, on October 2, 2023, **TO RECOMMEND** Article 48, as amended above.

**PLANNING BOARD REPORT FOR ARTICLE 49:
Amendments to the Grafton Zoning Bylaws (Section 3.2.3.1 – Use Regulation Schedule) –
to create requirements for Seasonal Outdoor Dining.**

The public hearing was opened on September 25, 2023, and was continued to October 2, 2023. At its meeting on October 2, 2023, the Grafton Planning Board conducted a public hearing to consider the proposed amendments to the Grafton Zoning Bylaws (ZBL) to add requirements for seasonal outdoor dining under “Business Uses,” in Section 3.2.3.1. Seasonal outdoor dining will be allowed via a Special Permit and/or Site Plan Review in each District except the R-40 and R-20 residential Districts. Such use will be reviewed and approved by the Planning Board unless the application is a nonconforming use or structure. Any nonconforming use or structure will be governed by the provisions in Section 3.4 - Non-Conforming Conditions.

Board members present were Chairman Robert Hassinger, Vice Chairman David Robbins, Clerk Justin Wood, and Members Prabhu Venkataraman and James Davidson. No public comment on the article was received.

The Article was recommended by the Town Planner and the Planning Board to allow restaurants to pursue permitting for seasonal outdoor dining, which flourished during the COVID-19 pandemic, to bolster economic development and to support local businesses while allowing the Board to have discretionary approval.

Based on the Board’s deliberations on the merits of the proposed amendment, the Planning Board voted five (5) in favor and zero (0) opposed, on October 2, 2023, **TO RECOMMEND** Article 49.

**PLANNING BOARD REPORT FOR ARTICLE 50:
Amendments to the Grafton Zoning Bylaws (Section 5.10.2 – Definitions) – to modify the
definitions for Marijuana Retailer (MR) and Off-Site Medical Marijuana Dispensary
(OMMD).**

The public hearing was opened on September 25, 2023, and was continued to October 2, 2023. At its meeting on October 2, 2023, the Grafton Planning Board conducted a public hearing to consider the proposed amendments to the Grafton Zoning Bylaws (ZBL) to modify two definitions for “Marijuana Retailer (MR)” and “Off-Site Medical Marijuana Dispensary (OMMD),” in Section 5.10.2. The modification ensures the Town of Grafton is in compliance with the most current Cannabis Control Commission’s (CCC) regulations.

Board members present were Chairman Robert Hassinger, Vice Chairman David Robbins, Clerk Justin Wood, and Members Prabhu Venkataraman and James Davidson. No public comment on the article was received.

The Article was recommended by the Town Planner and the Planning Board to ensure the Board is not imposing different requirements on marijuana establishments than those imposed by the CCC.

Based on the Board’s deliberations on the merits of the proposed amendment, the Planning Board voted five (5) in favor and zero (0) opposed, on October 2, 2023, **TO RECOMMEND** Article 50.

**PLANNING BOARD REPORT FOR ARTICLE 51:
Amendment to the Grafton Zoning Bylaws (Section 3.2.3.2 – Intensity of Use Schedule) – to
allow Accessory Structures under 200 square feet within five (5) feet of the Side and Rear
Setbacks for One and Two-Family Principal Uses in each District.**

At its meeting on October 12, 2023, the Grafton Planning Board conducted a public hearing to consider the proposed amendment to the Grafton Zoning Bylaws (ZBL) to add requirements in Section 3.2.3.2 for accessory structures, via table footnotes, for each zoning district’s side and rear minimum yard setbacks. The modification reduces the side and rear setback requirements to five (5) feet for accessory structures to one and two-family principal uses only. Accessory Structures shall not occupy more than 200 square feet of lot area. Applicants wishing to apply will be required to apply for a Zoning Permit through the Building Department, eliminating the need to apply for a Variance through the Zoning Board of Appeals (ZBA).

Board members present were Chairman Robert Hassinger, Vice Chairman David Robbins, Clerk Justin Wood, and Members Prabhu Venkataraman and James Davidson. **No public comment on the article was received.**

The Article was recommended by the Town Planner, the Zoning Enforcement Officer, and the Planning Board to allow property owners to construct sheds and similar accessory structures on smaller lots constrained by large setback requirements. The Article will remove the need for a Variance from the ZBL for smaller lots that cannot conform to standard requirements.

Based on the Board’s deliberations on the merits of the proposed amendment, the Planning Board voted **___, TO RECOMMEND /TO RECOMMEND AGAINST** Article 51.

**PLANNING BOARD REPORT FOR ARTICLE 52:
Amendments to the Grafton Zoning Bylaws (Section 2.1 – Uses and Structures) – to add a
definition for Tractor-Trailers.**

The public hearing was opened on September 25, 2023, and was continued to October 2, 2023. At its meeting on October 2, 2023, the Grafton Planning Board conducted a public hearing to consider the proposed amendment to the Grafton Zoning Bylaws (ZBL) to add a definition for “Tractor-Trailer,” in Section 2.1. The addition ensures the Town of Grafton can adequately regulate vehicles qualifying under this description and improve quality of life for residents and visitors.

Board members present were Chairman Robert Hassinger, Vice Chairman David Robbins, Clerk Justin Wood, and Members Prabhu Venkataraman and James Davidson. No public comment on the article was received.

The Article was recommended by the Town Planner, the Zoning Enforcement Officer, and the Planning Board to allow for the ability to exercise discretion and enforcement over tractor-trailer vehicles, as well as have a definition to align with ZBL language in Sections 3.2.3.1 and 4.2.4.2.1.

Based on the Board’s deliberations on the merits of the proposed amendment, the Planning Board voted five (5) in favor and zero (0) opposed, on October 2, 2023, **TO RECOMMEND** Article 52.